

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1143 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

KASMIRABEN PANKAJBHAI PAREKH

Versus

DISTRICT PRIMARY EDUCATION

Appearance:

MR None present for Petitioner

MR VB GHARANIA, AGP for Respondent No. 1

MR ANANT DAVE for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/05/1999

ORAL JUDGEMENT

1. The petitioner by this petition under Article 226 of the Constitution of India challenging the order dated 10/2/99 Annexure-0 under which her services were terminated. The facts of the case, in brief, are that pursuant to the advertisement of the respondent in Gujarati daily edition Sandesh the petitioner applied for the post of Bal Guru now Vidhya Sahayak. The petitioner

has been selected and was given appointment vide order dated 8/1/99 and she joined the post on 9/1/99. The petitioner was asked by the respondent to submit her Physically Handicapped category certificate. She contended that she was not belonging to that category but she belongs to Baxi Panch Community and as she could not produce that certificate her services were terminated. Hence this special civil application before this court.

2. Perused the special civil application and heard learned counsel for the respondents. The learned counsel for the respondents brought in the court the original application submitted by the petitioner for her appointment to the post of Bal Guru now Vidhya Sahayak. From this application I find that she has applied under the category of Physically Handicapped. The petitioner is not claiming that she belongs to that category. What she claimed that she is belonging to Baxi Panch Community and she mentioned in this application accordingly and as per the reservation she has rightly been given the appointment. However, the learned counsel for the respondents has given out that for other backward class the last candidate, who has been given appointment was having the percentage of 74.7% whereas the petitioner's percentage of marks is 71.43. So, the claim of the petitioner for her appointment under the reservation of Other Backward Classes does not stand to any merits. It is a case where the petitioner has been given the appointment wrongly and the respondents have not committed any error in terminating her services.

The special civil application fails and the same is dismissed. Rule discharged with no order as to costs.

(S.K.Keshote, J.)

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